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Date of Decision: 18th September 1995

SPECIAL CIVIL APPLICATION NO. 592 OF 1984

FOR APPROVAL AND SIGNATURE

THE HONOURABLE MR. JUSTICE A.N. DIVECHA

1. Whether Reporters of Local Papers may be allowed to see the judgment? No
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of judgment? No
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder? No
5. Whether it is to be circulated to the Civil Judge? No

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Shri R.N. Shah, Advocate, for the Petitioner

Shri S.P. Dave, Asst. Govt. Pleader, for the Respondent  
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CORAM: A.N. DIVECHA, J.  
(Date: 18th September 1995)

ORAL JUDGMENT

The show-cause notice issued by and on behalf of the State of Gujarat (the respondent herein) on 16th September 1983 under sec. 34 of the Urban Land (Ceiling and Regulation) Act, 1976 ('the Act' for brief) is under challenge in this petition under Art. 226 of the Constitution of India.

2. It is not necessary to set out in detail the facts giving rise to this petition. It may be sufficient to note that the petitioner applied for permission for sale of two parcels of land under sec. 27 of the Act. By his order passed on 30th September 1981, the Competent Authority at Ahmedabad granted the necessary permission on certain terms and conditions. Its copy is at Annexure A to this petition. It may be mentioned that the lands were sold to a co-operative society and it was duly registered under the Gujarat Co-operative Societies Act, 1961. A copy of its registration certificate is at Annexure B to this petition. It appears that the order at Annexure A to this petition came to the notice of the concerned officer of the respondent. He appears to have found it not according to law. Its suo motu revision was therefore contemplated. Thereupon a prohibitory order under sec. 34 of the Act came to be issued on 20th April 1983. Its copy is at Annexure C to this petition. Thereafter a show-cause notice came to be issued on 16th September 1983 under sec. 34 of the Act calling upon the petitioner to show cause why the order at Annexure A to this petition should not be revised. A copy of the aforesaid show-cause notice is at Annexure D to this petition. The aggrieved petitioner has thereupon approached this court by means of this petition under Art. 226 of the Constitution of India for questioning its correctness.

3. A petition challenging the show-cause notice is considered to be premature as no final decision is taken. Shri Shah for the petitioner has urged that the society has come into existence and members have occupied the houses allotted to them. It will however be open to the petitioners to bring to the notice of the respondent all these facts regarding the present state of the land in question. It would be open to the petitioner to raise all the contentions raised by it in this petition in response to the show-cause notice at Annexure D to this petition. This court however will be disinclined to interfere with the proceeding initiated by the show-cause notice at Annexure D to this petition at this stage.

4. In the result, this petition fails. It is hereby rejected. Rule is accordingly discharged with no order as to costs.

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